REASONS

HUMBLY OFFER'D

Against the BILL *for explaining and amending the Act of the Tenth Year of Her Majesty's Reign, relating to* Medly Broad-Cloth, *and for making the said Act more effectual by other Means than are contained in that Bill.*

Bill read 5 May 1714

BY the Act, every Cloth is to be measured at the Fulling-Mill, after it's milled and thoroughly wet by the *Mill-Man* on a Table of 12 Foot and 4 Inches long, and 3 Foot wide at least, where the Cloth shall be crested and laid plain, and then measured, allowing 37 Inches to each Yard.

THE *Clothiers* humbly hope, the same Way of Measure will be continued.

I. BECAUSE the Cloth when it first comes out of the Mill is as short in Length as at any other time, which is for the Benefit of the Consumer, and was always taken to be the proper Time for just Measure, as appeareth by all former Acts of Parliament relating to the Measure of Cloth in several Ages.

II. THE Measure of Cloth on such a Table is more certain than any other Way. The Length of a Cloth is generally between 24 and 28 Yards, and 4 Yards and 4 Inches at a time may lie plain and smooth on the Table; whereas in Measure by the Yard, by the common Measure of the City, and others, they often at measuring, slackned and hollowed the Cloth at Pleasure, and by measuring it when so slackned, the Cloth was certify'd to be 2 or 3 Yards or more, less than the true Contents of it; and this being done in the *Clothier*'s Absence, the Buyer would pay but according to the Measure certify'd, whereby the *Clothier* was much oppressed: It is believed also, that *Clothiers* might be wronged as to Measure, by some ill Servants. All which Mischiefs will be prevented, by a due Execution of the said Act.

III. IT is a common Practice to buy *Serges*, *Stuffs*, *Bays*, *Silks*, *Linnen*, &c. by Content; and if Fraud be therein, the Seller is by Common Law, without Act of Parliament, answerable for the Fraud and Damage: So it is here. There are many Instances, particularly false Measures and Weights in other Commodities, where the Common Law gives Remedy for Frauds therein. Frauds in Manufactures have always this consequential Punishment, The Reputation of the Seller is blemished, his Credit lost, and Trade ruined, unless the Seller makes Allowance for the short Measure, which they generally do.

THE Act directs, That the Mill-Man shall fix at the Head of every Cloth, before it be carried from the Mill, a Seal of Lead, and stamp his Name thereon, and the Length and Breadth of each Cloth; and the Length so stamp'd, shall be a Rule of Payment for it by the Buyer.

THE *Clothiers* also hope this Seal and Stamp shall be continued.

I. BECAUSE, though Instances have been given of Frauds in the Seal and Measure, yet the *Clothiers* hope the Instances are but few, considering the great Numbers of Cloths brought to *London* weekly. Such Frauds cannot be long practised, for Cheats are soon discover'd and publish'd; and the sooner here, because every *Clothier* hath a distinct Mark on his Cloth, and if any Cloth be suspected not to be of the Measure contained in the Seal, the Buyer may refuse it at his Pleasure. There are 8 Days by the Act of 9. *Will. R.* allowed for returning any Cloth; and they commonly take more at Discretion.

II. IF the Contents of the Cloth be not ascertained before Sale, there would at Sale be more Trouble to ascertain the Lengths, than the Price.

III. IF the Length of the Cloths should not be ascertained at the Mill, Frauds, by over-straining, would not be detected, because the Merchant or *Draper* never complain of over-straining; and without such Complaint, no *Clothier* could be punished for it.

AN *Objection* against the Act of 10. *Reginæ*, is, That there is no Penalty on the Mill-Man for not due Measuring.

Answer. The Mill-Man is on his Oath, which was all the Obligation the City-Measurer was under to do his Duty.

THE Act requires the Mill-Man duly to measure, and if he doth not so, he is punishable for an Offence against the Law.

IT is objected, That after the Cloth is sold, or exposed to Sale, no Conviction can be for short Measure.

THO' the *Clothiers* believe that much less Frauds have been in their Measure of Cloth, than in other Commodities sold by Weight or Measure, yet the *Clothier* submits to

to the Wiſdom of this *Honourable Houſe*, as to enlarging the Time of Conviction, and as to any further Penalties or Proviſions as to the *Clothier* or *Mill-Man*, for want of due Meaſure, or over-ſtraining, if it ſhall be thought neceſſary.

IT is found by Experience, That a certain Meaſure for and not over-ſtraining the Cloth, hath improved and advanced the Manufacture. It is computed, that in *Bradford*, *Trowbridge*, and *Weſtbury*, in *Wiltſhire*, and within 20 Miles of it, 40000 Poor, or more, are employ'd in this Manufacture, a great Part whereof (in time of Scarcity of Work) lived for the moſt part, by Bread and Water, and ſince the Act, have been, and now are fully employ'd.

THE *Clothiers* humbly hope, That no Cloth be ſtretched or ſtrained more than one Yard in twenty of its Length (after the Rate of 37 Inches *per* Yard) nor of one Nail in Breadth, as the ſaid Act requires.

I. BECAUSE all Stretching beyond that Rate, hurts the Cloth, whereby the Conſumer of it is deceiv'd, both as to its original Quantity and Goodneſs: The Quantity he hath not, becauſe it ſhrinks after buying: The Goodneſs he hath not, becauſe the over-ſtraining makes the Cloth poor, thin, thready, and the leſs ſerviceable.

II. BEFORE the Act, the Merchant and *Draper*, in reſpect of ſuch over-ſtraining, made arbitrary and unjuſt Allowances to themſelves out of the Cloth, *viz.* 4, 5, 6 Yards, or more, without conſent of or hearing the *Clothier*; whereby the *Clothier* was much oppreſſed, and to have ſome Recompence, over-ſtraining became the more exceſſive, and generally practiſed; ſo that one Fraud made amends in part for the other, and the innocent Conſumer paid for both, to his Damage, and the great Diſreputation of the Manufacture.

IT is obſervable, That in the Petition and printed Reaſons of the *Drapers*, they complain there is by that Act too ſmall a Penalty on the *Clothier*, to prevent Straining; yet in their Bill nothing is mention'd as to Straining; the Reaſon is, as we believe, becauſe Straining is for their Advantage, as before appears.

AS to the Clauſe in the Bill for aſcertaining the Breadth of Cloth, it is impracticable, becauſe the Breadth varies according to the Difference of the Wool; for the Wool varies in its Proof, according to the Seaſon, and ſome Wool proves more than other Wool. The Spinning and Milling is alſo different, according to the Difference of the Spinner and Mill-Man in Skill and Care; nor can the ſame Cloth be made of equal Breadth in all Places, but that the Buyer may not be deceiv'd, the Breadth of each Cloth is ſtamped on the Seal.

THE End of this Clauſe is conceived to be only to give Opportunity to the *Drapers* to deduct as they pleaſe out of the Cloth, on Pretence of want of Breadth.

THE other Proviſions of the Bill tend more to a Repeal, than to Explanation or Amendment of the Act.

REASONS

Humbly Offer'd

By the *Clothiers*, againſt the *Bill* for *Amending the Act* of 10 *Regnæ*, relating to *Medley Cloth*, &c.

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